

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Estate of Michele M Walker et al, *
Plaintiff *

v. * Civil Action No. 1:11-cv-421-PB

State of New Hampshire – Administrative *
Office of the Courts and State of New *
Hampshire – NH Second Circuit Littleton *
District Court – Administrative Office of the *
Courts *

Defendants *
*
*

JOINT MOTION FOR A STATUS CONFERENCE

NOW COME the Defendants, State of New Hampshire – Administrative Office of the Courts and State of New Hampshire – NH Second Circuit Littleton District Division – Administrative Office of the Courts (hereinafter collectively referred to as “AOC”), by and through their counsel, the Office of the Attorney General, and the plaintiff, the Estate of Michele Walker, by and through its counsel, and move the Court hold a status conference. In support of this motion, the parties state as follows:

1. On January 18, 2013, the Court held a hearing to address the plaintiff’s motion to compel. The Court issued its ruling on the motion orally from the bench, requiring production of contact information of certain employees of the AOC, a pleading from a prior court case, as well as a privilege log for documents subject to the Court’s *in camera* review. On January 22, 2013, the Court issued an order memorializing its ruling. The Court has not yet issued an order on the documents filed for *in camera* review.

2. As required by the Court's order, the AOC produced personnel contact information and a privilege log to the plaintiff, on January 28, 2013. Included in its production was a list of certain current and former employees of the AOC and telephone numbers and addresses for clerk and court assistants and telephone numbers for court bailiffs. The AOC provided the plaintiff the addresses for the bailiffs on January 30, 2013.

3. The AOC provided *in camera* documents to the Court on January 28, 2013.

4. It is the AOC's position that pursuant to the Court's November 13, 2012 order, discovery remains open until thirty days after AOC's production following the Court's order on the Motion to Compel, which is February 27, 2013. The plaintiff's deadline to object to the AOC's September 5, 2012 motion for summary judgment is due 15 days after that, March 14, 2013.¹

5. It is the Plaintiff's position that pursuant to the Court's orders of November 13, 2012 and January 22, 2013, the deadline for Plaintiff to file its Objection does not begin to run until after the Court rules on the *in camera* documents and the remaining issues within Plaintiff's Motion to Compel. Thus the deadline to file Plaintiff's Objection to Motion for Summary Judgment will be running from the date of the Court's final ruling on the Motion to Compel with respect to the *in camera* documents and Plaintiff's receipt of any such documents. Plaintiff would have 30 days from the date of its receipt of the *in camera* documents to finish discovery, including depositions, and then 15 days to file its Objection to Motion for Summary Judgment.

6. This matter is currently scheduled for trial on April 2, 2013. There are a number of pretrial filings due on March 4, 2013.

¹ To the extent the deadline began to run after the AOC provided the addresses of bailiffs to the plaintiff, discovery remains open until March 1, 2013, and the plaintiff's deadline to object to the AOC's September 5, 2010 motion for summary judgment is March 18, 2013.

7. Given the current timeline for discovery and the upcoming trial date, the parties believe it would be beneficial to have a conference with the Court to determine deadlines for pre-trial filings, the date discovery closes, deadline for objecting to summary judgment, and consideration of the trial date.

8. The parties are filing this motion jointly.

9. No memorandum of law is necessary as the granting of this motion is within the Court's discretion.

WHEREFORE, the Parties respectfully requests that this Honorable Court:

- A. Grant this motion and schedule a status conference as soon as is reasonably practicable;
- B. Temporarily suspend the date for filing pre-trial materials given the status of the case; and
- C. Grant such other relief that is just and proper.

Respectfully submitted,

State of New Hampshire – Administrative Office of
the Courts and State of New Hampshire – NH
Second Circuit Littleton District Court –
Administrative Office of the Courts

By their attorneys,

Michael A. Delaney
Attorney General

February 20, 2013

/s/ Mary Ann Dempsey
Mary Ann Dempsey (NH Bar# 13123)
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February 20, 2013

/s/ LESLIE H. JOHNSON

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Certificate of Service

I hereby certify that a copy of the foregoing was electronically served this date on Leslie H. Johnson, Esquire, counsel for the Plaintiff.

/s/ Mary Ann Dempsey

Mary Ann Dempsey (NH Bar# 13123)